

WAC 173-340-450 Releases from underground storage tanks. (1)

Purpose. The purpose of this section is to set forth the requirements for addressing releases that may pose a threat to human health or the environment from an underground storage tank (UST) regulated under chapter 90.76 RCW.

(a) Releases from USTs exempted under chapter 90.76 RCW and rules adopted therein are still subject to all other requirements of this chapter.

(b) Unless the department requires otherwise, UST owners and UST operators regulated under chapter 90.76 RCW shall comply with the requirements in this section after confirmation of an UST release that may pose a threat to human health or the environment.

(2) Initial response. Within twenty-four hours of confirmation of an UST release, the UST owner or the UST operator shall perform the following actions:

(a) Report the UST release to the department and other authorities with jurisdiction, in accordance with rules adopted under chapter 90.76 RCW and any other applicable law;

(b) Remove as much of the hazardous substance from the UST as is possible and necessary to prevent further release to the environment;

(c) Eliminate or reduce any fire, explosion or vapor hazards in such a way as to minimize any release of hazardous substances to surface water and groundwater; and

(d) Visually inspect any aboveground releases or exposed below-ground releases and prevent the hazardous substance from spreading into surrounding soils, groundwater and surface water.

(3) Interim actions.

(a) As soon as possible but no later than twenty days following confirmation of an UST release, the UST owner or the UST operator shall perform the following interim actions:

(i) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that may have migrated from the UST into structures in the vicinity of the site, such as sewers or basements;

(ii) Reduce the threat to human health and the environment posed by contaminated soils that are excavated or discovered as a result of investigation or cleanup activities. Treatment, storage and disposal of soils must be carried out in compliance with all applicable federal, state and local requirements;

(iii) Test for hazardous substances in the environment where they are most likely to be present. Such testing shall be done in accordance with a sampling and analysis plan prepared under WAC 173-340-820. The sample types, sample locations, and measurement methods shall be based on the nature of the stored substance, type of subsurface soils, depth to groundwater and other factors as appropriate for identifying the presence and source of the release. If contaminated soil is found in contact with the groundwater or soil contamination appears to extend below the lowest soil sampling depth, then testing shall include the installation of groundwater monitoring wells to test for the presence of possible groundwater contamination. Information gathered for the site check or closure site assessment conducted under rules adopted under chapter 90.76 RCW, which sufficiently characterizes the releases at the site, may be substituted for the testing required under this paragraph;

(iv) The testing performed under (a)(iii) of this subsection shall use the analytical methods specified in WAC 173-340-830 and include, at a minimum, the following:

(A) For petroleum product releases, the concentration(s) of hazardous substances potentially present at the site, as appropriate for the type of petroleum product(s) released. The minimum testing requirements are specified in Table 830-1.

(B) The hazardous substance stored and any likely decomposition by-products where a hazardous substance other than petroleum may be present; and

(C) Any other tests required by the department; and

(v) Investigate for the presence of free product.

(4) Free product removal. At sites where investigations indicate free product is present, the UST owner or the UST operator shall conduct, as soon as possible after discovery, an interim action to remove the free product while continuing, as necessary, any other actions required under this section. To accomplish this the UST owner or UST operator shall:

(a) Conduct free product removal to the maximum extent practicable and in a manner that minimizes the spread of hazardous substances, by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site. The objective of free product removal system must be, at a minimum, to stop the free product migration;

(b) Properly treat, discharge, or dispose of any hazardous substance, water, sludge or any other materials collected in the free product removal process in compliance with all applicable local, state, and federal regulations and permits; and

(c) Handle all flammable products safely to prevent fires and explosions.

(5) Reporting requirements. The following reports are required to be submitted to the department:

(a) Status report. Within twenty days after an UST release, the UST owner or UST operator shall submit a status report to the department. The status report shall identify if known, the types, amounts, and locations of hazardous substances released, how the release occurred, evidence confirming the release, actions taken under subsections (2) and (3) of this section, any planned remedial actions, and any results of work done up to the time of the report. This report may be provided verbally to the department.

(b) Site characterization reports. Within ninety days after release confirmation, unless directed to do otherwise by the department, the UST owner or UST operator shall submit a report to the department about the site and nature of the release. This report shall be submitted to the department in writing and may be combined with the twenty-day status report, if the information required is available at that time. The site characterization report shall include, at a minimum, the following information:

(i) The information required for the status report under (a) of this subsection;

(ii) A site conditions map indicating approximate boundaries of the property, all areas where hazardous substances are known or suspected to be located, and sampling locations. This map may consist of a sketch of the site at a scale sufficient to illustrate this information;

(iii) Available data regarding surrounding populations, surface and groundwater quality, use and approximate location of wells potentially affected by the release, subsurface soil conditions, depth to groundwater, direction of groundwater flow, proximity to and potential for affecting surface water, locations of sewers and other potential

conduits for vapor or free product migration, surrounding land use, and proximity to sensitive environments;

(iv) Results of tests for hazardous substances performed under subsection (3)(a)(iii) and (iv) of this section;

(v) Results of the free product investigation required under subsection (3)(a)(v) of this section;

(vi) Results of all completed site investigations, interim actions and cleanup actions and a description of any remaining investigations, cleanup actions and compliance monitoring that are planned or underway; and

(vii) Information on the free product removal efforts at sites where investigations indicate free product is present. This shall include, at a minimum, the following information:

(A) Name of the person responsible for implementing the free product removal measures;

(B) The estimated quantity, type, and thickness of free product observed or measured in wells, boreholes and excavations;

(C) The type of free product recovery system used;

(D) The location of any on-site or offsite discharge during the recovery operation;

(E) The type of treatment applied to, and the effluent quality expected from, any discharge;

(F) The steps taken and planned to obtain necessary permits for any discharge;

(G) Disposition of recovered free product; and

(viii) Any other information required by the department.

(6) Remedial investigation and feasibility study.

(a) If the initial cleanup actions taken at an UST site do not achieve cleanup levels throughout the site, a remedial investigation and feasibility study may need to be conducted in accordance with WAC 173-340-350. The scope of a remedial investigation and feasibility study will depend on the informational needs at the site. UST owners and operators shall conduct a remedial investigation and feasibility study for sites where the following conditions exist:

(i) There is evidence that the release has caused hazardous substances to be present in the groundwater in excess of the groundwater standards adopted under chapter 90.48 RCW or cleanup levels in WAC 173-340-720 (Table 720-1);

(ii) Free product is found; or

(iii) Where otherwise required by the department.

(b) UST owners and UST operators shall submit the information collected for the remedial investigation/feasibility study to the department as soon as practicable. The information may be included with other reports submitted under this section.

(c) If the department determines, based on the results of the remedial investigation/feasibility study or other information, that additional remedial action is required, the department may require the UST owner or the UST operator to submit engineering documents as described in WAC 173-340-400.

(7) Cleanup actions. Unless directed to do otherwise by the department, cleanup actions performed by UST owners or UST operators shall comply with the cleanup standards described in WAC 173-340-700 through 173-340-760 and the requirements for the selection of cleanup actions in WAC 173-340-350 through 173-340-390.

(8) Independent cleanup actions. In addition to work performed under subsections (2) through (5), and (7) of this section, UST owners or UST operators performing independent cleanup actions shall:

- (a) Notify the department of their intention to begin cleanup. This can be included with other reports under this section;
- (b) Comply with any conditions imposed by the department to assure adequate protection of human health and the environment; and
- (c) Within ninety days of completion of the cleanup action, submit the results of all investigations, interim and cleanup actions and compliance monitoring not previously submitted to the department.

[Statutory Authority: Chapter 70.105D RCW. WSR 01-05-024 (Order 97-09A), § 173-340-450, filed 2/12/01, effective 8/15/01; WSR 91-04-019, § 173-340-450, filed 1/28/91, effective 2/28/91.]